

111TH CONGRESS  
1ST SESSION

# H. R. 4058

To amend title 10, United States Code, to establish the Veterans to Work program providing for the employment of individuals, especially veterans, who participate in apprenticeship programs on designated military construction projects, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2009

Mr. SMITH of Washington introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to establish the Veterans to Work program providing for the employment of individuals, especially veterans, who participate in apprenticeship programs on designated military construction projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans to Work Pilot  
5 Program Act of 2009”.

1 **SEC. 2. VETERANS TO WORK PILOT PROGRAM.**

2 (a) VETERANS TO WORK PROGRAM.—Subchapter III  
3 of chapter 169 of title 10, United States Code, is amended  
4 by inserting after section 2856 the following new section:

5 **“§ 2857. Veterans to Work Pilot Program**

6 “(a) PILOT PROGRAM; PURPOSES.—The Secretary of  
7 Defense shall establish the Veterans to Work pilot pro-  
8 gram to determine—

9 “(1) the maximum feasible extent to which ap-  
10 prentices may be employed to work on military con-  
11 struction projects designated under subsection (b);

12 “(2) the maximum feasible extent to which the  
13 apprentices so employed are veterans; and

14 “(3) the feasibility of expanding the employ-  
15 ment of apprentices to military construction projects  
16 in addition to those projects designated under sub-  
17 section (b).

18 “(b) DESIGNATION OF MILITARY CONSTRUCTION  
19 PROJECTS FOR PILOT PROGRAM.—(1) For each of fiscal  
20 years 2011 through 2015, the Secretary of Defense shall  
21 designate for inclusion in the pilot program not less than  
22 20 military construction projects (including unspecified  
23 minor military construction projects under section 2805(a)  
24 of this title) that will be conducted in that fiscal year.

25 “(2) In designating military construction projects  
26 under this subsection, the Secretary of Defense shall—

1           “(A) to the greatest extent possible, designate  
2           military construction projects that are located where  
3           there are veterans enrolled in qualified apprentice-  
4           ship programs or veterans who could be enrolled in  
5           qualified apprenticeship programs in a cost-effective,  
6           timely, and feasible manner;

7           “(B) ensure geographic diversity among the  
8           military construction projects designated; and

9           “(C) select projects to be carried out in the con-  
10          tinental United States, Alaska, Hawaii, Guam, Puer-  
11          to Rico, the Northern Mariana Islands, and the  
12          United States Virgin Islands.

13          “(3) Unspecified minor military construction projects  
14          may not exceed 40 percent of the military construction  
15          projects designated under this subsection for a fiscal year.

16          “(c) CONTRACT PROVISIONS.—Any agreement that  
17          the Secretary of Defense enters into for a military con-  
18          struction project that is designated for inclusion in the  
19          pilot program shall ensure that, to the maximum extent  
20          feasible, apprentices shall be employed on that military  
21          construction project and that, to the maximum extent fea-  
22          sible, such apprentices shall be veterans.

23          “(d) QUALIFIED APPRENTICESHIP AND OTHER  
24          TRAINING PROGRAMS.—

1           “(1) PARTICIPATION BY EACH CONTRACTOR RE-  
2       REQUIRED.—Each contractor and subcontractor that  
3       seeks to provide construction services on projects  
4       designated by the Secretary pursuant to subsection  
5       (b) shall submit adequate assurances with its bid or  
6       proposal that it participates in a qualified appren-  
7       ticeship or other training program for each craft or  
8       trade classification of worker that it intends to em-  
9       ploy to perform work on the project.

10           “(2) DEFINITION OF QUALIFIED APPRENTICE-  
11       SHIP OR OTHER TRAINING PROGRAMS.—

12           “(A) IN GENERAL.—For purposes of this  
13       section, the term ‘qualified apprenticeship or  
14       other training program’ means an apprentice-  
15       ship or other training program that qualifies as  
16       an employee welfare benefit plan, as defined in  
17       section 3(1) of the Employee Retirement In-  
18       come Security Act of 1974 (29 U.S.C.  
19       1002(1)).

20           “(B) CERTIFICATION OF OTHER PRO-  
21       GRAMS IN CERTAIN LOCALITIES.—In the event  
22       that the Secretary of Labor certifies that a  
23       qualified apprenticeship or other training pro-  
24       gram (as defined in subparagraph (A)) for a  
25       craft or trade classification of workers that a

1 prospective contractor or subcontractor intends  
2 to employ, is not operated in the locality where  
3 the project will be performed, an apprenticeship  
4 or other training program that is not an em-  
5 ployee welfare benefit plan (as defined in such  
6 section) may be certified by the Secretary as a  
7 qualified apprenticeship or other training pro-  
8 gram provided it is registered with the Office of  
9 Apprenticeship of the Department of Labor, or  
10 a State apprenticeship agency recognized by the  
11 Office of Apprenticeship for Federal purposes.

12 “(e) REPORT.—(1) Not later than 150 days after the  
13 end of each fiscal year during which the pilot program  
14 is active, the Secretary of Defense shall submit to Con-  
15 gress a report that includes the following:

16 “(A) The progress of designated military con-  
17 struction projects and the role of apprentices in  
18 achieving that progress.

19 “(B) Any challenges, difficulties, or problems  
20 encountered in recruiting apprentices or in recruit-  
21 ing veterans to become apprentices.

22 “(C) Cost differentials in the designated mili-  
23 tary construction projects compared to similar  
24 projects completed contemporaneously, but not des-  
25 ignated for the pilot program.

1           “(D) Evaluation of benefits derived from em-  
2           ploying apprentices, including the following:

3                   “(i) Workforce sustainability.

4                   “(ii) Workforce skills enhancement.

5                   “(iii) Increased short- and long-term cost-  
6           effectiveness.

7                   “(iv) Improved veteran employment in sus-  
8           tainable wage fields.

9           “(E) Any additional benefits derived from em-  
10          ploying apprentices and veteran apprentices.

11           “(F) Recommendations on how to more effec-  
12          tively employ apprentices in subsequent fiscal years.

13           “(G) Any other information the Secretary of  
14          Defense determines appropriate.

15          “(2) Not later than March 1, 2016, the Secretary of  
16          Defense shall submit to Congress a report that—

17                   “(A) analyzes the pilot program in terms of its  
18                  effect on the sustainability of a workforce to meet  
19                  the military construction needs of the Armed Forces;

20                   “(B) studies overall improvements in veteran  
21                  employment in sustainable wage fields or profes-  
22                  sions; and

23                   “(C) makes recommendations on the continu-  
24                  ation, modification, or expansion of the pilot pro-  
25                  gram on the basis of such factors as the Secretary

1 of Defense determines appropriate, including the fol-  
2 lowing:

3 “(i) Workforce sustainability.

4 “(ii) Cost-effectiveness.

5 “(iii) Community development.

6 “(f) DEFINITIONS.—In this section:

7 “(1) The term ‘apprentice’ means an individual  
8 who is employed pursuant to, and individually reg-  
9 istered in, a ‘qualified apprenticeship or other train-  
10 ing program,’ as defined in subsection (d)(2)(A) or  
11 other apprenticeship or training programs recog-  
12 nized in accordance with subsection (d)(2)(B).

13 “(2) The term ‘pilot program’ means the Vet-  
14 erans to Work pilot program established under sub-  
15 section (a).

16 “(3) The term ‘State’ means any of the States,  
17 the District of Columbia, or territories of Guam,  
18 Puerto Rico, the Northern Mariana Islands, and the  
19 United States Virgin Islands.

20 “(4) The term ‘veteran’ has the meaning given  
21 such term under section 101(2) of title 38.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of such subchapter is amended by insert-

1 ing after the item relating to section 2856 the following

2 new item:

“2857. Veterans to Work Pilot Program.”.

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